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09/604,365	06/27/2000	Georgios Chrysanthakopoulos	3797-85751	4833

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EXAMINER

CRAIG, DWIN M

ART UNIT	PAPER NUMBER
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2123

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/604,365

Applicant(s)

CHRYSANTHAKOPOULOS ET AL.

Examiner

Dwin M Craig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date paper # 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-23 have been presented for examination. Claims 1-23 have been examined and rejected.

#### Specification

2. The abstract of the disclosure is objected to because the number of words exceeds 150.

Correction is required. See MPEP § 608.01(b), and ...

#### 6.02 Content of Specification

(j) Abstract of the Disclosure: A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims.

#### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Independent **Claims 1 and 6** and dependent **Claims 2-5, 7, 8** are rejected under 35

U.S.C. 102(b) as being clearly anticipated by **Staats et al. U.S. Patent 5,809,331**.

3.1 As regards independent **Claims 1 and 6** the *Staats et al.* reference teaches, a system, a communications medium, a driver that is stored in memory and a method of automatically loading the driver (**Figures 1-6, Col. 1 Lines 15-40, Col. 4 Lines 12-35**).

Detecting that the device is connected (**Col. 6 Lines 49-67**).

Determining if a driver is in memory (**Col. 5 Lines 6-15**).

Loading the driver (**Col. 9 Lines 50-57**).

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Determining the suitability of the driver (**Figure 6**).

**3.2** As regards dependent **Claims 2** the *Staats et al.* reference teaches determining suitability of the driver (**Figure 6**).

**3.3** As regards dependent **Claim 3** the *Staats et al.* reference teaches IEEE 1394 (**Col. 1 Lines 15-41**).

**3.4** As regards dependent **Claim 4** the *Staats et al.* reference teaches read only memory (**Col. 2 Lines 51-60**).

**3.5** As regards dependent **Claims 5 and 8** the *Staats et al.* reference teaches computer executable instructions (**Col. 4 Lines 12-18**).

**3.6** As regards dependent **Claim 7** the *Staats et al.* reference discloses communicating with the Application layer, *where an interface to the user is inherent* (**Figure 2 items 104 and 102**).

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Independent **Claims 9 and 19** and dependent **Claim 10-18 and 20-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Staats et al. U.S. Patent 5,809,331** in view of **Hoffman et al. U.S. Patent 5,815,678**.

4.1 As regards independent **Claims 9 and 19** the *Staats et al.* reference teaches; a system, a communications medium, a driver that is stored in memory and a method of automatically loading the driver (**Figures 1-6, Col. 1 Lines 15-40, Col. 4 Lines 12-35**).

Detecting that the device is connected (**Col. 6 Lines 49-67**).

Determining if a driver is in memory (**Col. 5 Lines 6-15**).

Loading the driver (**Col. 9 Lines 50-57**).

Determining the suitability of the driver (**Figure 6**).

However, the *Staats et al.* reference does not expressly disclose different device drivers for multiple operating systems.

The *Hoffman et al.* reference discloses multiple device drivers for multiple operating systems (**Figure 3**).

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to have combined the serial bus device driver methods of the *Staats et al.* reference with the device driver methods of the *Hoffman et al.* reference because, by providing support for multiple operating systems on one 1394 device, only one version of the product has to be manufactured which reduces to cost to market the product.

**4.2** As regards dependent **Claim 10** the *Staats et al.* reference does not expressly disclose a second computer with a second operating system.

The *Hoffman et al.* reference discloses a second computer with a second operating system (**Figure 3**).

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to have combined the serial bus device driver methods of the *Staats et al.* reference with the device driver methods of the *Hoffman et al.* reference because, by providing support for multiple operating systems on one 1394 device, only one version of the product has to be manufactured which reduces to cost to market the product.

**4.3** As regards dependent **Claims 11** the *Staats et al.* reference does not expressly disclose a third operating system.

The *Hoffman et al.* reference discloses a third operating system (**Figure 3, Items 308, 318 and 328**).

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to have combined the serial bus device driver methods of the *Staats et al.* reference with the device driver methods of the *Hoffman et al.* reference because, by providing support for multiple operating systems on one 1394 device, only one version of the product has to be manufactured which reduces to cost to market the product.

**4.4** As regards dependent **Claims 12 and 20** the *Staats et al.* reference discloses communicating with the Application layer, *where an interface to the user is inherent* (**Figure 2 items 104 and 102**).

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**4.5** As regards dependent **Claims 13 and 21** the *Staats et al.* reference discloses a 1394 device (**Col. 1 Lines 25-41**).

**4.6** As regards dependent **Claims 14 and 22** the *Staats et al.* reference teaches read only memory (**Col. 2 Lines 51-60**).

**4.7** As regards dependent **Claims 15 - 17** the *Staats et al.* reference does not expressly disclose different drivers for different operating systems.

The *Hoffman et al.* reference discloses different drivers for different operating systems (**Figures 3 & 4, Col. 5 Lines 25-49**).

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to have combined the serial bus device driver methods of the *Staats et al.* reference with the device driver methods of the *Hoffman et al.* reference because, by providing support for multiple operating systems on one 1394 device, only one version of the product has to be manufactured which reduces to cost to market the product.

**4.8** As regards dependent **Claim 18** the *Staats et al.* reference teaches computer executable instructions (**Col. 4 Lines 12-18**).

**4.9** As regards dependent **Claim 23** the *Staats et al.* reference does not expressly disclose a URL.

The *Hoffman et al.* reference discloses a URL (**Col. 4 Lines 41-47**).

It would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to have combined the serial bus device driver methods of the *Staats et al.* reference with the device driver methods of the *Hoffman et al.* reference because, by providing

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support for multiple operating systems on one 1394 device, only one version of the product has to be manufactured which reduces to cost to market the product.

**Conclusion**


5. Claims 1-23 have been presented for Examination, Claims 1-23 have been Examined and rejected. This action is **NON-FINAL**.

5.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwain M Craig whose telephone number is 703 305-7150. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Teska can be reached on 703 305-9704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC

  
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